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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,195	06/25/2004	Yung-Hui Wang		4194

44490 7590 09/27/2006

PATEN WIRELESS TECHNOLOGY INC.
2F-4, NO. 148, SEC. 4, CHUNG HSIAO EAST ROAD
TAIPEI,
TAIWAN

EXAMINER

MOON, SEOKYUN

ART UNIT PAPER NUMBER

2629

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,195

Applicant(s)

WANG, YUNG-HUI

Examiner

Seokyun Moon

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. The Applicant has claimed the benefit of foreign priority based on the Application #092214668, filed in Taiwan on August 13, 2003.

However, the Applicant has not filed a certified copy of the Application #092214668 as required by 35 U.S.C. 119(b).

Furthermore, the Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Therefore, at this time, the Applicant's claim for the benefit of the foreign priority is not acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4** are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US Pub. No. 2005/0001818 A1, herein after referred to as "Chang").

As to **claim 1**, Chang [fig. 1] teaches an optical mouse comprising:

a housing ("*housing 1*"), the housing comprising a bottom shell ("*bottom casing 12*") and a top cover shell ("*top cover 11*") covering the bottom shell;

a plurality of operation buttons installed in the top cover shell;

a circuit board ("*circuit board 2*") mounted inside the housing;

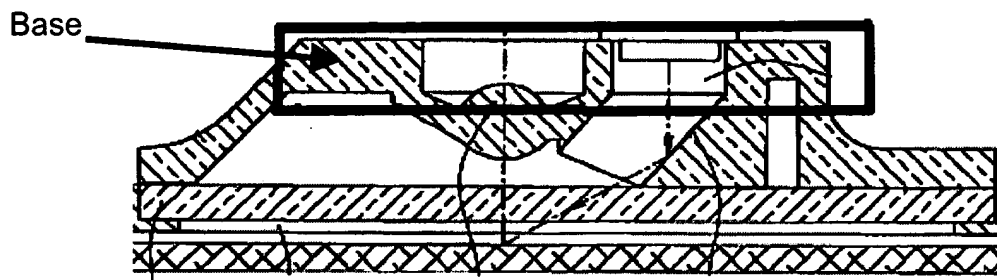
a refractor ("*lens set 3*") mounted on the bottom shell inside the housing;

a light emitting element ("*vertical cavity surface emitting laser light source 22*") installed in the circuit board and adapted to emit light through the refractor onto a contact surface ("*reflective fixture surface 5*") supporting the housing [fig. 3]; and

a sensor ("*detecting device 21*") [fig. 1] installed in the circuit board and adapted to pick up light from the contact surface supporting the housing through the refractor and to convert received light into electronic signal indicative of direction and distance of the optical mouse [par. (0014) lines 1-8];

wherein the refractor comprises a base [refer to drawing 1 provided on page 4 of this office action, which is equivalent to Chang's fig. 3], the base [fig. 3] comprising a recessed receiving chamber ("*channel 32*") adapted to accommodate the light emitting element, a reflection surface ("*reflection member 321*") adapted to reflect light from the light emitting element onto the contact surface ("*reflective fixture surface 5*") supporting the housing, a light penetrating portion (the space represented by a rectangle, located right above "*convex lens 31*", shown on fig. 3), and a circular arc surface ("*convex lens 31*") adapted to focus light from the contact surface [par. (0016) lines 9-11] supporting the housing onto the sensor ("*detecting device 21*") through the light penetrating portion [fig. 3];

the light emitting element ("*vertical cavity surface emitting laser light source 22*") is suspended in the recessed receiving chamber ("*channel 32*") of the refractor and perpendicularly aimed at the base of the refractor [fig. 3].



Drawing 1

As to **claim 2**, Chang [fig. 1] teaches the circuit board ("*circuit board 2*") to have an opening and the sensor ("*detecting device 21*") to be suspended above the opening.

As to **claim 3**, Chang [fig. 3] teaches the sensor to have a signal pickup aimed at the light penetrating portion (the space indicated by a rectangle, located right above "*convex lens 31*", shown on fig. 3) of the refractor ("*lens set 3*") [par. (0016) lines 11-13].

As to **claim 4**, Chang [fig. 3] teaches the bottom shell ("*bottom casing 12*") of the housing ("*housing 1*") to comprise a locating portion (the portion of "*bottom casing 12*" supporting the "*insulation plate 4*") and a through hole ("*opening 121*") through the location portion and the refractor ("*lens set 3*") to be positioned in the locating portion of the bottom shell, keeping the reflection surface ("*reflection member 321*") and the circular arc surface ("*convex lens 31*") aimed at the through hole of the bottom shell.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seokyun Moon whose telephone number is (571) 272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

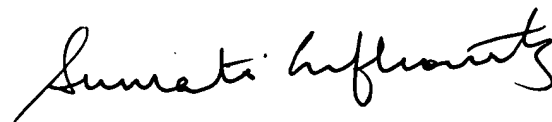
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 19, 2006

S.M.

A handwritten signature in black ink, appearing to read "Sumati Lefkowitz", with a stylized flourish at the end.

SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER